



NOTICE OF DECISION
Development Services Department

Project Name:	Brawer Residence
Request:	Demolition of an existing single-family residence and detached accessory structures, and the construction of a new single-family residence with an attached garage and attached accessory dwelling unit (ADU)
Discretionary Actions:	Coastal Development Permit (CDP)
CEQA Determination:	Exempt
DECISION:	APPROVED
Project Number:	CDP-005434-2022
DSD Number:	2023-23
Location:	1825 Wilstone Avenue
Community:	Leucadia
APN:	254-073-02-00
Applicant:	Rolando Brawer and Karina Miller
Representative:	Scott Maas, FieldXStudio
Project Planner:	Rachael Lindebrekke, Associate Planner, rlindebrekke@encinitasca.gov
Decision Date:	April 24, 2023
Report Approval:	<input checked="" type="checkbox"/> Katie Innes, Planning Manager <input checked="" type="checkbox"/> Andrew Maynard, Principal Planner

PROJECT DESCRIPTION

A request for a Coastal Development Permit (CDP) to demolish an existing single-family residence and detached accessory structures and construct a new 3,736 square foot single family residence with a 743 square foot attached garage, and a 644 square foot attached accessory dwelling unit.

PROJECT ANALYSIS

Background

The project site is a single-family residential lot developed under the County of San Diego with a single-family residence and multiple detached accessory structures. Since incorporation, the City has received no other discretionary planning applications or development plans for the project site, and there currently are no open Code Enforcement cases associated with the property.

Project Site Characteristics

The project site is located within the in the Residential 3 (R-3) Zone and Residential 3 General Plan Land Use Designation. The site is also located within the Cultural/Natural Resources and Coastal Overlay Zones. Pursuant to EMC Chapter 30.08 (Zones), the R-3 Zone provides for single-family detached residential units with minimum lot sizes of 14,500 net square feet and maximum densities of three units per net acre. One primary dwelling is permitted on each legal lot. The project is on a legal lot that is similar in size and use to other lots in the vicinity. The project site has an average lot slope of less than one percent. The project will continue to take access off Wilstone Ave, a public road. Public improvements and utility services are available to serve the site.

The table below summarizes the characteristics of the project site:

General Plan:	Residential 3 (R-3)
Specific Plan:	None
Zoning District:	R-3
Zoning Overlay:	Coastal Zone; Cultural/Natural Resources
Other Key City Plan:	None
Notable State or Regional Plan and Law:	None

Adjacent Area

The area surrounding the project site is developed. The immediate surrounding area includes single-family residential structures having a mix of architectural styles, construction ages, and one- or two-story structures. The project proposes to demolish the existing one-story single-family residence and detached accessory structures and construct new 3,736 square foot single family residence with a 743 square foot attached garage, and a second-story 644 square foot attached accessory dwelling unit.

The table below summarizes the characteristics of the adjacent areas:

Direction	General Plan and Zoning District	Land Use
North	Residential 3; R-3	Single-family residences
South	Residential 3; R-3	Single-family residences
East	Residential 3; R-3	Single-family residences
West	Residential 5; R-5	Single-family residences

General Plan Consistency

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The City of Encinitas General Plan includes a number of goals and policies that guide development and land use within the City. A discussion of how the project is consistent with applicable General Plan policies is summarized below:

General Plan Goal or Policy	Explanation of Project Conformance
Policy 1.12: The residential character of the City shall be substantially single-family detached housing.	The proposed project is the demolition of an existing single-story single-family residence and construction of a new single-family residence with attached three-car garage and attached second story accessory dwelling unit. The proposed project will construct a new single-family residence consistent with this policy.
Land Use Goal 6: Every effort shall be made to ensure that the existing desirable character of the communities is maintained.	The proposed project has been designed to ensure that the existing desirable character of the community is maintained and will be compatible with the surrounding neighborhood, which consists primarily of single-family units.

Municipal Code Analysis

Below is a table summarizing how the proposed project meets the applicable zoning standards for the R-3 Zone:

Development Standard	Project Proposed	Complies?
Minimum Net Lot Area: 14,500 square feet	Net: 14,252 square feet Gross: 14,252 square feet	Yes <input checked="" type="checkbox"/> * No <input type="checkbox"/> *Legal non-conforming
Lot Width: 80 feet	92 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Lot Depth: 100 feet	154 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Front Yard Setback: 25 feet	24 feet, 7 inches	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Rear Yard Setback: 25 feet	30 feet, 7 inches	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Interior Side 1 (North) Yard Setback: 10 feet	10 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Interior Side 2 (South) Yard Setback: 10 feet	10 feet	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Lot Coverage: 35%	4,479 square feet/ 14,252 square feet = 31.4%	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Floor Area Ratio: N/A	N/A	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Height: Flat Roof a. 22 feet (measured from the lower of the existing or finished grade at the building wall) to the top of the finished roof material above the exterior wall. b. Two-stories maximum	Flat Roof a. 22 feet (measured from the lower grade) to top of the finished roof material above the exterior wall. b. Two-story	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

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Development Standard	Project Proposed	Complies?
<p>Parking - Two (2) enclosed parking spaces and one (1) additional enclosed or unenclosed parking space for single-family homes greater than 2,500 square feet.</p> <p>One (1) parking space required for accessory dwelling units not within .5 miles of a major transit stop.</p>	<p>Three (3) enclosed parking spaces are provided within the new attached garage.</p> <p>Site is within a half mile of a major transit stop, therefore, no additional parking required for the accessory dwelling unit.</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>

Non-conformities

The existing lot, in its current configuration and lot size, was established under the County of San Diego's jurisdiction. Based on the existing net lot area, the property's net lot area is legal nonconforming. This nonconformity will not be expanded, enlarged, or intensified in accordance with Encinitas Municipal Code Chapter 30.76.

1. Minimum Net Lot Area – New lots proposed under the R-3 Zone require a minimum net lot area of 14,500 square feet. The existing lot has a net lot area of 14,252 square feet, which does not meet the minimum net lot area of the R-3 Zone. Pursuant to Encinitas Municipal Code Chapter 30.76.080, a building may be constructed on a lot of less area than required so long as the lot is: a) a legal lot of record, b) was created prior to the imposition of the present zoning regulation, which makes it nonconforming, c) has sufficient area to provide a building site, d) has not merged, and e) is not mergeable.
 - a) The current site has evidence of legal parcel through Grand Deed document number 1966-177475 recorded November 9, 1966.
 - b) The City of Encinitas incorporated in 1986 and established the current R-3 zoning and minimum net lot area for the site. The evidence of legal parcel was recorded in 1966, which was prior to the City's minimum net lot area requirement.
 - c) All other development standards are being met, illustrating the undersized lot has sufficient area to provide a building site.
 - d) The site has not previously been merged.
 - e) The site is not mergeable as all surrounding lots are established with single-family residences.

The project proposes to maintain the lot in its existing size and configuration as established through Grand Deed (document number 1966-177475). Therefore, the nonconformity will not be expanded, enlarged, or intensified in accordance with Encinitas Municipal Code Chapter 30.76.

Building Height

On lots in the R-3 to R-25 zones with greater than 10 percent average lot slope, the building height at the uphill side of the lot shall not exceed 12 feet above the crown of the Right-of-Way (ROW). The site is located within the R-3 Zone and the average lot slope was determined to be less than one percent. Therefore, the site is not subject to the additional height restriction of 12 feet above the crown of the right-of-way. The project complies with the standard height limitation of 22 feet

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from the lower of the existing or finished grade at the building wall, measured to the top of the roofing material, for the main residence and second story accessory dwelling unit.

Grading

Approximate earthwork quantities include 10 cubic yards of cut with 35 cubic yards fill and 25 cubic yards of export. Maximum cut depth and fill height will be approximately one foot. Therefore, the grading work related to cut and fill is exempt from Design Review in accordance with Encinitas Municipal Code Section 23.08.030.B.14, since proposed grading does not exceed eight-foot cut and four-foot fill design review thresholds.

Design Review Exemptions

The applicant is proposing to demolish an existing single-family residence and detached accessory structures and construct a new 3,736 square foot single family residence with a 743 square foot attached garage, and a 644 square foot attached accessory dwelling unit. The exterior design of both the residence, garage and ADU consists of a dark painted wood siding with three exterior walls having a smooth tan stucco finish, dark bronze anodized aluminum windows and doors, and TPO with gravel roofing material. The residence is designed with a dissimilar building footprint, orientation, elevations, and architectural features from surrounding residential units, and qualifies as a “custom home” pursuant to EMC Section 30.23.030.B.7. The limited grading proposed does not exceed cut and fill thresholds requiring Design Review. Therefore, pursuant to EMC Sections 23.08.030.B.7 and 23.08.030.B.14, the project is exempt from design review.

Cultural/Natural Resources Overlay

The site is located within the Cultural/Natural Resources Overlay Zone which requires site-specific analysis to determine whether important man-made cultural and historic resources, and ecologically sensitive plant and animal habitats are located on site.

The whole site was previously cleared, graded, and developed under the County of San Diego’s jurisdiction. Due to the previous clearing and grading, no ecologically sensitive plant habitats and animal species are located on site. Additionally, the historical significance of the existing residence was reviewed, and determined not to be a man-made cultural or historic resource. Therefore, the project is in compliance with the Cultural/Natural Resources Overlay Zone pursuant to EMC Section 30.34.050.

Local Coastal Program Consistency

The project site is located in the Coastal Zone and requires a Coastal Development Permit. The proposed project is consistent with the policies of the City’s certified Local Coastal Program, and all-applicable goals and policies of the General Plan. The project is consistent with all R-3 zoning development standards including lot depth, lot width, setbacks, lot coverage, building height and parking. The legal nonconforming net lot area will not be enlarged, expanded or intensified as a result of the project.

PUBLIC NOTICE AND PARTICIPATION

Public Notice

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The Notice of Pending Action for the Coastal Development Permit was mailed on March 30, 2023, to all property owners and occupants within 500 feet of the project site, and to anyone who requested such notice in writing, in compliance with Encinitas Municipal Code Sections 30.01.070 and 30.80.080, as applicable. Additionally, as a courtesy, the notice was posted at City Hall and on the Development Services Department internet site under "Public Notices". Two comments were received.

One comment requested an existing olive tree near the existing driveway be removed to provide public parking along Wilstone Avenue. The project proposes to install permeable pavers along an eight-foot-nine-inch wide right of way dedication to provide two on-street parking spaces while having the existing olive tree remain in place. Due to the location of the tree, it's removal would not result in a third parking spaces as the additional space would not meet the minimum parking stall dimensions.

The second comment stated there were active Great Blue Heron nests on-site and to ensure that proposed work should not affect these nests in any way. As a result of this comment, staff has added a precautionary special condition to ensure no work is done during avian breeding/nesting season unless pre-construction surveys are completed by a biologist and determine that no nesting birds (includes nest building or other breeding/nesting behavior) are within or adjacent to the potential impact area. Additional details can be found in the Conditions of Approval under condition SCA 3. No other comments were received in response to the public notices or throughout the process.

ENVIRONMENTAL CONSIDERATIONS

The project has been determined to be exempt from environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301(I)(1) and (4), and 15303(a) and (d). Section 15301(I)(1) exempts the demolition and removal of one single family residence, and Section 15301(I)(4) exempts the demolition and removal of accessory structures. Section 15303(a) exempts the construction and conversion of one single-family residence and accessory dwelling unit in a residential zone, and Section 15303(d) exempts water main, sewage, electrical, gas, and other utility extensions to serve such construction. It has been determined that the project is not in an environmentally sensitive location; will not have a cumulative effect on the environment; is not a hazardous waste site; will not cause substantial change in significance of a historic resource; and will not result in damage of a scenic highway. The proposed project is consistent with Sections 15301(I)(1) and 15303(a) and (d) – and Section 15300.2 – Exceptions of the CEQA Guidelines, therefore, the project may rely on the categorical exemptions.

DISCUSSION

The project complies with all applicable policies of the General Plan, Local Coastal Program, and provisions of the Encinitas Municipal Code including the R-3 Zone development standards. The project is consistent with all R-3 zoning development standards including lot depth, lot width, setbacks, lot coverage, building height and parking. The legal nonconforming net lot area will not be enlarged, expanded or intensified as a result of the project. The proposed project is consistent with the development character of the surrounding neighborhood and shall be required to comply with all applicable Building and Fire codes through the standard building permit plan checking process.

FINDINGS

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Based on the findings for a Coastal Development Permit as per Encinitas Municipal Code Section 30.80.090 and the aforementioned analysis, the Development Services Department has made the following findings to support the approval, with conditions:

Findings for Coastal Development Permit	Explanation of Finding
1. The project is consistent with the certified Local Coastal Program of the City of Encinitas.	The proposed project complies with all development standards of the R-3 Zone, including lot depth, lot width, setbacks, lot coverage, building height and parking. The legal nonconforming net lot area will not be enlarged, expanded or intensified as a result of the project. The project is consistent with the applicable goals and policies of the General Plan. Therefore, the project is consistent the City's certified Local Coastal Program, comprised of the General Plan and the Municipal Code.
2. The proposed project is consistent with the certified Local Coastal Program of the City of Encinitas. The proposed development conforms with Public Resources Code Section 21000 et al. (CEQA) and that there are no feasible mitigation measures or feasible alternatives available, which would substantially lessen any significant adverse impact that the activity may have on the environment.	The project will not result in significant adverse impacts to the environment and the project is exempt from environmental review pursuant to Sections 15301(l)(1) and (4), and 15303(a) and (d). Section 15301(l)(1) exempts the demolition and removal of one single family residence, and Section 15301(l)(4) exempts the demolition and removal of accessory structures. Section 15303(a) exempts the construction and conversion of one single-family residence and accessory dwelling unit in a residential zone. Section 15303(d) exempts water main, sewage, electrical, gas, and other utility extensions to serve such construction. The project is consistent with the Sections identified above, and the project is consistent with Section 15300.2 – Exceptions of the CEQA Guidelines and, therefore, may rely on the categorical exemptions.
3. For projects involving development between the sea or other body of water and the nearest public road, approval shall include a specific finding that such development is in conformity with the public access and public recreation policies of Section 30200 et. seq. of the Coastal Act.	The project site is located on Wilstone Avenue, which is not located between the sea and the nearest public road. Therefore, Section 30200 et. seq. of the Coastal Act does not apply.

CONCLUSION

The Development Services Department has determined that the application and plans for a Coastal Development Permit are consistent with the City's certified Local Coastal Program, including all applicable policies of the General Plan and provisions of the Municipal Code, including the nonconformity regulations.

The demolition of an existing single-family residence and construction of a new single-family residence with attached three-car garage and attached accessory dwelling unit is consistent with the General Plan Land Use Designation and applicable General Plan policies. The project meets all development standards for the R-3 Zone. Therefore, the project is hereby approved based upon the aforementioned findings and subject to the following conditions of approval:

CONDITIONS OF APPROVAL

SPECIFIC CONDITIONS:

SCA The following Planning-related condition shall be completed/fulfilled to the satisfaction of the Development Services Department:

1. In compliance with the City of Encinitas Climate Action Plan Goal 7.1, any mature tree that is to be removed as a result of the project must be replaced on site at a one-to-one ratio.
2. There shall be no brushing, clearing and/or grading (which includes operation of construction dozers, excavators, rock crushers, pile drivers or cast-in-drilled-hole equipment) during the avian breeding season except as allowed by this condition. If clearing or grading must occur during the period of nesting raptors (January 15 to July 15), or migratory birds (February 15 to August 31), a biologist shall conduct pre-construction surveys in suitable nesting habitat adjacent to the construction area to determine the location of any active nests in the area and whether these species occur within areas potentially impacted by noise.

The preconstruction surveys shall not begin more than 72 hours prior to the start construction. If there are no nesting birds (includes nest building or other breeding/nesting behavior) within or adjacent to the potential impact area, grading and clearing shall be allowed to proceed. To avoid take under the federal Endangered Species Act, impacts to occupied habitat of listed species shall be avoided. If any special status avian species are observed nesting or displaying breeding/nesting behavior within or adjacent to the potential impact area, construction in that area shall be postponed until all nesting (or breeding/nesting behavior) has ceased or until after August 31.

The applicant shall provide a letter of agreement with this condition and the City of Encinitas inspector shall not allow any grading on site during the specified dates, unless a concurrence from Development Services is received.

SCB The following Engineering-related condition shall be completed/fulfilled to the satisfaction of the Development Services Department:

STANDARD CONDITIONS:**CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITIONS:**

- A 01** **Approval – General:** At any time after two years from the date of this approval, on **April 24, 2025** at 5 p.m., or the expiration date of any extension granted in accordance with the Municipal Code, the application shall be deemed expired as of the above date.
- A 02** **Approval – General:** This approval may be appealed to the City Council within 15 calendar days from the date of this approval in accordance with Chapter 1.12 of the Municipal Code.
- A 04** **Approval – General:** This project is conditionally approved as set forth on the application and project drawings received by the City on February 19, 2023, consisting of ten (18) sheets including Title Sheet (Sheet A0.00), General Notes (A0.01, A0.02, A0.03), Plan Calculations (A0.04), Preliminary Grading Plan (C1), Existing Site Survey (A1.00), Site Plan (A1.01), Floor Plan – Level 01 (A2.01), Floor Plan – Level 02 (A2.02), Roof Plan (A2.03), Exterior Elevations (A3.01, A3.02), Building Sections (A4.01, A4.02, A4.03) and 3D Views (A5.04) all designated as approved by the Development Services Department on **April 24, 2023**, and shall not be altered without express authorization by the Development Services Department.
- A 08** **Approval – General:** Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
- A 09** **Approval – General:** Prior to any use or issuance of final occupancy of the project site pursuant to this permit, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Development Services Department.
- ADU 01** **Accessory Dwelling Units:** Prior to Building Permit issuance, a covenant regarding real property shall be recorded regarding the accessory unit providing that compliance with the following conditions shall be maintained: a) The accessory unit is approved for use as a second dwelling unit, accessory to the principal use of the property as a single-family residence. b) The use of the accessory unit shall be incidental, related, appropriate and clearly subordinate to the single-family residence. c) Sale or ownership of the accessory unit separate from the associated single-family residence is prohibited.
- AEB 01** **All-Electric Building:** All new residential and non-residential buildings shall be constructed all-electrically per Encinitas Municipal Code Section 23.12.080D-E. An all-electric building is defined as a building that has no natural gas or propane plumbing installed within the building and there is no gas meter connection, and that uses electricity as the source of energy for its space heating, water heating, cooking appliances, and clothes drying appliances. All Electric Buildings may include solar thermal pool heating.

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DF 01

Development Fees: The applicant shall pay development fees at the established rate. Such fees may include but are not limited to: permit and plan checking fees, water and sewer service fees, school fees, traffic mitigation fees, flood control mitigation fees, park mitigation fees, and fire mitigation, and fire cost recovery fees. **All plan check, permit, and service fees shall be paid in accordance with the table below to the satisfaction of the applicable Department Director or designee.** The applicant is advised to contact the Development Services Department regarding Park Mitigation Fees (Planning Division), Flood Control and Traffic Fees (Engineering Division), applicable School District(s) regarding School Fees (Building Division), Fire Mitigation/Cost Recovery Fees (Fire Department), and the applicable Utility Departments or Districts regarding Water and/or Sewer Fees.

Fee Name	Department/Division	Timing for fee collection ¹
Fire mitigation fee	Fire Prevention	Prior to building permit issuance
Fire cost recovery fee	Fire Prevention	Prior to building/fire permit issuance
Flood control mitigation fee	Engineering Division	With grading permit issuance/or prior to final building permit issuance
Inclusionary housing in-lieu fee	Planning Division	Prior to final map recordation or prior to building permit issuance
Parkland acquisition fee	Planning Division	Prior to building permit issuance
Parkland development fee	Planning Division	Prior to building permit issuance
Plan check fee	Building, Engineering, Fire Prevention and Planning Divisions	At plan check submittal
Permit fee	Building Division and Engineering Division	At permit issuance
School fees	Building Division	Prior to building permit issuance
Traffic mitigation fee	Engineering Division	Prior to building permit issuance
Water and sewer fee	Engineering Division	Prior to permit issuance

¹ Initiating use in reliance on this approval may apply when no permits required.
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- EE 01** **Energy Efficiency:** Existing residential building additions or alterations with a permit value of \$50,000 or higher shall include applicable energy efficiency measures depending on the age of the home. Measures may include duct sealing, cool roof, lighting package, water heating package, or attic insulation. See Encinitas Municipal Code Section 23.12.080.C.
- EM 01** **Electrical and Mechanical Equipment:** All roof-mounted equipment and appurtenances, including air conditioners and their associated vents, conduits and other mechanical and electrical equipment, shall be architecturally integrated, and shall be shielded from view and sound buffered to the satisfaction of the Development Services Department. Note: All rooftop equipment shall be assumed visible unless demonstrated otherwise to the satisfaction of the Development Services Department, and adequate structural support shall be incorporated into building design. Rooftop vent pipes shall be combined below the roof and shall utilize decorative caps where visible from any point.
- EM 02** **Electrical and Mechanical Equipment:** All ground-mounted mechanical and electrical equipment shall be screened, and sound buffered through use of a wall, fence, landscaping, berm, or combination thereof and shall be designed to be compatible with the primary building's exterior to the satisfaction of the Development Services Department.
- EV 01** **Electric Vehicle Charging Ready:** New one- and two-family dwellings, including townhouses with private garages must include a dedicated 208/240-volt branch circuit rated to 40 amperes minimum for each unit capable of accommodating a future Level 2 home electric vehicle charging station. See Encinitas Municipal Code 23.12.110.
- GWS 01** **Greywater Systems:** Newly constructed single-family dwelling units shall be pre-plumbed for a greywater system permitted and constructed in accordance with Chapter 15 of the California Plumbing Code and including a stub-out in a convenient location for integration of the greywater system with landscape irrigation systems and accepting greywater from all sources permissible in conformance with the definition of greywater as per Section 14876 of the California Water Code. Exception: A greywater system shall not be permitted where a qualified soils engineer determines in a written, stamped report, or percolation test shows, that the absorption capacity of the soil at the project site is unable to accommodate the discharge of a greywater irrigation system.
- GWS 02** **Greywater Systems:** The greywater system shall be identified on the Building Permit construction plans and installed to the satisfaction of the Building Official prior to Final CO or occupancy.
- I 01** **Indemnification:** To the maximum extent permitted by law, the Owner(s) shall waive any claims of liability against the City, and shall indemnify, hold harmless and defend the City of Encinitas, and its agents, officers and employees from and against any and all actions, claims, damages, liabilities and/or proceedings arising from: (i) the City's approval of any and all entitlements or permits relating to the project; (ii) any injury to or death of any person, or damage or injury of any kind to

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property which may arise from or be related to the direct or indirect operations of the Owner(s) or its contractors, subcontractors, agents, employees, or other persons acting on the Owner(s)'s behalf relating to the project; and (iii) the operation of the project.

The Owner agrees to execute an indemnity agreement provided by the City prior to **Building Permit issuance** and the Development Services Director, or designee, is hereby authorized to execute the same. The Owner further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of the City by counsel approved by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project but shall survive in perpetuity.

- P04** **Parking:** Garages enclosing required parking spaces shall be available and usable for the parking of owner/tenant vehicles at all times, and not be rented or conveyed separately from the appurtenant dwelling unit without City approval.
- SPV 01** **Solar Photovoltaic Panels:** All newly constructed low-rise residential buildings the installed PV system must be big enough to offset the electricity use of the proposed building as if it was a mixed-fuel building. See Section 150.1(c)14 of the California Building Code, Part 6 (Energy Code).
- SSO 01** **Security, Safety and Operations:** Prior to issuance of a **Grading / Building Permit**, a Security, Safety, and Operations plan shall be submitted and approved by the Development Services Department and the Fire Department. Such plan shall include, but not be limited to, the following items (as applicable): site location, owner info, 24-hour emergency contact info, safety and perimeter fencing, access location(s), loading/unloading zones, onsite/offsite circulation, worker parking and signage, temporary parking lot location/design, neighborhood traffic flow, model home phasing and fencing, large vehicle turnaround areas, signage for haul routes per EMC 23.24.410, construction trailer location, hours of grading and building permit operations, City tree protection zones, hours of hauling (i.e. school routes, prime arterials, impacted streets, etc.), and construction phasing.
- UTILITY 01** **Utility Connections:** All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Locations of pad mounted transformers, meter boxes, and other utility related items shall be included in the site plan submitted with the building permit application with an appropriate screening treatment. Transformers, terminal boxes, meter cabinets, pedestals, ducts and other facilities may be placed above ground provided they are screened with landscaping.
- WF 01** **Walls and Fences:** All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed in a manner similar to, and consistent with, the primary structures (e.g., stucco-coated masonry, split-face block or slump stone). These items shall be approved by the Development Services Department prior to the issuance of building and/or grading permits.
- WF 02** **Walls and Fences:** Any wall, fence or combination thereof exceeding six feet in height and facing any neighboring property or visible from the public right-of-way shall be subject to design review pursuant to Section 23.08.040.A.1 of the

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Encinitas Municipal Code. Where a minimum two feet horizontal offset is provided, within which screening vegetation is provided to the satisfaction of the Development Services Department, the fence/wall may not be considered one continuous structure for purpose of measuring height and may be exempted from design review provided none of the offset fences or walls exceed six feet in height.

WF 03 Walls and Fences: All masonry freestanding or retaining walls visible from points beyond the project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be of a type satisfactory to the Development Services Department. The property owner shall be responsible for the removal in a timely manner of any graffiti posted on such walls.

SAN DIEGUITO WATER DISTRICT (SDWD) CONDITIONS:

CONTACT THE SAN DIEGUITO WATER DISTRICT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITIONS:

SDWD EWS 03 Existing Water Service – SFR/Miscellanies Improvements: The subject property is currently being served by a 5/8-inch water meter. If the existing water meter needs to be upsized, the cost of upgrading the meter and/or service shall be the responsibility of the developer.

SDWD WS 02 Water System – Fees/Charges: The developer shall comply with SDWD's fees, charges, rules and regulations.

SDWD WS 04 Water System – Grading/Improvement Plans: The developer shall show all existing and proposed water facilities on improvement and/or grading plans for SDWD Approval (if applicable).

SDWD WS 07 Water System – Water Agencies' Standards: The developer shall install the water system according to Water Agencies' (WAS) standards.

SDWD WS 08 Water System – Water Meter Location: Water meters shall be outside of any existing or proposed travel way. Appurtenances shall not be placed in roadside ditches. Cost of relocation shall be the responsibility of the developer.

FIRE CONDITIONS:

CONTACT THE FIRE DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITIONS:

FIRE 01 Address Numbers: Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: 4" high with a ½" inch stroke width for residential buildings, 8" high with a ½" stroke for commercial and multi-family residential buildings, 12" high with a 1" stroke for industrial buildings. Additional numbers shall be required where deemed necessary by the Fire Marshal, such as rear access doors, building corners, and entrances to commercial centers.

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- FIRE 04 Smoke Detectors/Carbon Monoxide:** Smoke detectors/carbon monoxide alarms shall be inspected by the Encinitas Fire Department.
- FIRE 05 Construction - Class "A" Roof:** All structures shall be provided with a Class "A" Roof covering to the satisfaction of the Encinitas Fire Department.
- FIRE 18 Automatic Fire Sprinklers - One and Two Family:** One- and two-family dwellings: Structures shall be protected by an automatic fire sprinkler system designed and installed to the satisfaction of the Fire Department. Plans for the automatic fire sprinkler system shall be approved by the Fire Department prior to installation.
- FIRE 24 Obstruction of Roadways During Construction:** All roadways shall be a minimum of 20 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Encinitas Fire Department.

BUILDING CONDITION:

CONTACT THE ENCINITAS DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION:

- BLDG 02 Single Family and Duplex:** The applicant shall submit a complete set of construction plans to the Development Services Department for building permit plan check processing. The submittal shall include a Soils/Geotechnical Report, structural calculations, and State Energy compliance documentation (Title 24). Construction plans shall include a site plan, a foundation plan, floor and roof framing plans, floor plan(s), section details, exterior elevations, and materials specifications. Submitted plans must show compliance with the latest adopted editions of the California Building Code (The Uniform Building Code with California Amendments, the California Mechanical, Electrical and Plumbing Codes). These comments are preliminary only. A comprehensive plan check will be completed prior to permit issuance and additional technical code requirements may be identified and changes to the originally submitted plans may be required.

ENGINEERING CONDITIONS:

CONTACT THE DEVELOPMENT SERVICES DEPARTMENT REGARDING COMPLIANCE WITH THE FOLLOWING CONDITION(S):

Grading Conditions

- GRD 01 Grading – Regulations:** All City Codes, regulations, and policies in effect at the time of building/grading permit issuance shall apply.
- GRD 02 Grading – Datum:** All drawings submitted for Engineering permits are required to be based on the NAVD 88 datum; the NGVD 29 datum will not be accepted.
- GRD 03 Grading – Plan:** The applicant shall submit a Grading Plan for review and obtain a Grading Permit prior to the commencement of any clearing or grading of the site. The Grading Plan shall include, but not be limited to, the design for site grading,

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drainage improvements, erosion control, stormwater pollution control, and on-site pavement.

- GRD 04** **Grading – Responsible Charge:** The grading for this project is defined in Chapter 23.24 of the Encinitas Municipal Code. Grading shall be performed under the observation of a civil and geotechnical engineer whose responsibility it shall be to coordinate site inspection and testing to ensure compliance of the work with the approved grading plan, submit required reports to the Development Services Department and verify compliance with Chapter 23.24 of the Encinitas Municipal Code.
- GRD 05** **Grading – Offsite Authorization:** No grading shall occur outside the limits of the project boundary and easements unless a letter of permission is obtained from the owners of the affected properties and provided to the Development Services Department.
- GRD 06** **Grading – Borrow/Disposal Sites:** Separate grading plans shall be submitted and approved, and separate grading permits issued for borrow or disposal sites if located within the city limits. Import material shall be free of organic material, trash, debris, and environmental contaminants.
- GRD 07** **Grading – Slopes:** All newly created slopes within this project shall be no steeper than 2:1.
- GRD 09** **Grading – Reports:** Geotechnical, Drainage/Hydrology, Stormwater Quality, and Traffic studies/report (as applicable) shall be prepared by a qualified engineer licensed by the State of California to perform such work. The reports shall be submitted with the first grading plan submittal and shall be approved prior to issuance of any grading or improvement permit for the project.
- GRD 10** **Grading – Haul Route:** Prior to hauling dirt or construction materials to any proposed construction site within this project the developer shall submit to and receive approval from the Development Services Department for the proposed haul route. The applicant shall comply with Municipal Code section 23.24.410 as well as all conditions and requirements the Development Services Department may impose with regards to the hauling operation.

Drainage Conditions

- DRAIN 01** **Drainage – Erosion Control:** An erosion control system shall be designed and installed onsite during all construction activity. The system shall prevent discharge of sediment and all other pollutants onto adjacent streets and into the storm drain system. The City of Encinitas Stormwater Standards Manual shall be employed to determine appropriate stormwater pollution control practices during construction.
- DRAIN 02** **Drainage – Drainage System:** A drainage system capable of handling and disposing of all surface water originating within the project site, and all surface waters that may flow onto the project site from adjacent lands, shall be required. Said drainage system shall include any easements and structures required by the Development Services Department to properly handle the drainage.

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- DRAIN 03** **Drainage – Flood Control Fee:** Pursuant to Municipal Code Chapter 23.96, the applicant shall pay the current adopted Flood Control Fee for the creation of new impervious surfaces prior to issuance of the building or grading permit for this project to the satisfaction of the Development Services Department.
- DRAIN 05** **Drainage – Concentrated Flows:** Concentrated flows across driveways and/or sidewalks shall not be permitted.
- DRAIN 06** **Drainage – Flow Rate:** The drainage system shall be designed to ensure that runoff resulting from a 100-year frequency storm underdeveloped conditions is equal to or less than the runoff from a storm of the same frequency and duration under existing conditions. Both 6 hour and 24-hour storm durations shall be analyzed to determine the mitigation necessary to accomplish the desired results.

Street Conditions

- ST 01** **Street – Right-of-Way Permit:** Prior to any work being performed in the public right-of-way or City easement, a right-of-way construction permit shall be obtained from the Development Services Department and appropriate fees paid, in addition to any other permits required.
- ST 02** **Street – Encroachment Agreement:** Private improvements constructed within the present or future public right-of-way shall be considered temporary. The owner shall enter into an Encroachment Maintenance and Removal covenant agreeing to maintain the improvements in perpetuity and to remove those improvements at the direction of the City.
- ST 27** **Street – Street Trees:** The removal of any and all City trees shall be consistent with Encinitas Municipal Code Chapter 15.02 and the City's Urban Forest Management Program. Trees located within City Street right-of-way, on City property, or within City easements are referred to as City trees and shall be protected in place during construction unless specifically approved otherwise. No grading, excavation, or disturbance of city tree root systems shall occur within the City tree drip line area (the area from the trunk of a tree to the outermost edge of the tree canopy projection on the ground). If a City tree is not clearly labeled to be removed, it must be protected in place. Even if approved improvements conflict with a city tree, it must not be disturbed unless the plan is revised to address the tree removal.

Utilities Conditions

- UT 01** **Utility – Regulations/Coordination:** The owner shall comply with all the rules, regulations, and design requirements of the respective utility agencies regarding services to the project. The owner shall be responsible for coordination with S.D.G. & E., AT&T, Cox, SDWD, OMWD, LWD, and all other applicable utility companies.
- UT 02** **Utility – Underground:** All proposed utility services within the project shall be installed underground including existing utilities unless exempt by the Municipal Code.

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- UT 03** **Utility – Underground Existing Services:** All existing overhead utility services to the property shall be reconstructed underground and the overhead lines removed.
- UT 09** **Utility – LWD:** The project lies within the Leucadia Wastewater District. Project plans shall be submitted to the District for requirements and processed to approval.

Stormwater Pollution Control Conditions

- STORM 02** **Stormwater – LID BMP's:** Best Management Practices shall be utilized for stormwater pollution and flow control per the City of Encinitas BMP Design Manual to the satisfaction of the Development Services Department. The Grading Plan/Permit Site Plan shall identify all landscape areas designed for stormwater pollution control and incorporate Low Impact Development (LID) BMP's. A note shall be placed on the plans indicating that the BMP's are to be privately maintained and the facilities not modified or removed without a permit from the City.
- STORM 03** **Stormwater – Post Construction BMP Required:** The applicant shall provide permanent post construction stormwater quality treatment BMP facilities to collect and treat all runoff generated by all new and/or removed and replaced impervious surfaces prior to discharge from the subject site. A note shall be placed on the plans indicating that the BMPs are to be privately maintained and the facilities not modified or removed without a permit from the City.
- STORM 07** **Stormwater – Infiltration Testing:** Percolation testing shall be provided for the infiltration rate of the existing soils at the location of the centralized facility at a depth of the proposed excavation. The infiltration rate shall be correlated to the Hydrologic Soils Group per the USDA NRCS National Engineering Handbook.
- STORM 12** **Stormwater – Roof Drains:** For stormwater pollution control purposes, all runoff from all roof drains shall discharge onto grass and landscape areas prior to collection and discharge onto the street and/or into the public storm drain system unless directly connected to an adequately designed BMP facility to the maximum extent practical. Grass/landscape areas and BMPs designated for stormwater pollution control shall not be modified without a permit from the City. A note shall be placed on the plans indicating that the BMP's are to be privately maintained and the facilities not modified or removed without a permit from the City.

Engineering Special Conditions:

- SPCL 01** **Special – Dedication Exemption:** Wilstone Ave, from Ashbury Street to the northerly terminus, is considered a "Special Case" for right-of-way and no additional right-of-way shall be required.
- SPCL 02** **Special – Underground 500:** If the building addition creates 500 square feet or more of habitable area, or 750 square feet or more of combined habitable/nonhabitable area, undergrounding of service lines will be required.
- SPCL 03** **Special – Improvement Requirement:** If the building addition creates 2,000 square feet or more of habitable area, or 2,500 square feet or more of combined habitable/nonhabitable area, public improvements will be required.

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- SPCL 04 Special – Half-width Improvement:** Wilstone Avenue, from Ashbury Street to the northerly terminus, has a PCI rating below 65 (PCI: 57). The applicant shall provide half-width improvements along the property frontage of Wilstone Avenue. Half-width improvement shall include 1.5" AC grind and overlay along the entire property frontage.
- SPCL 05 Special – Drainage:** Runoff from this property flows to Wilstone Avenue. The developer shall design an infiltration basin at the westerly property boundary to intercept runoff before it discharges from the subject property to ensure that the rate of post-development runoff is equal to or less than the pre-development rate.
- SPCL 06 Street – Improvements Pavers:** Prior to building occupancy, the applicant shall be responsible for the construction of public improvements along the property frontage to Wilstone Avenue. Street improvements shall include a 7 foot wide permeable pavers parking area along entire property frontage of Wilstone Avenue. The pavers shall be surrounded on all sides by a 6" wide by 16" deep PCC flush curb and parallel the right-of-way beginning at 12 feet from centerline. The street widening, PCC flush curb, and 7 feet permeable paver parking shall be sloped at 2%; cross slope shall be no less than 1% and no greater than 5%. The street improvements shall be designed in a manner to continue to safely convey street runoff towards the west of Wilstone Avenue, however, no increase in drainage will be allowed. A cross section shall be provided on the Grading Plan.
- SPCL 07 Special – Survey Monuments:** The existing survey monuments shall be referenced on the grading plan and shall be protected in-place. If any monument is disturbed or destroyed it shall be replaced by a licensed land surveyor and a Corner Record or Record of Survey shall be filed with the County prior to release of securities and/or building occupancy.

DISCLOSURES

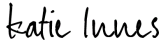
This notice constitutes a decision of the Development Services Department only for the discretionary entitlement. Additional permits, such as Building and Grading Permits, may be required by the Development Services Department or other City Departments. It is the property owner's and applicant's responsibility to obtain all necessary permits required for the type of project proposed.

In accordance with the provisions of Municipal Code Section 1.12, the decision of the Development Services Department may be appealed to the City Council 15 calendar days of the date of this determination. The appeal must be filed, accompanied by a \$406 filing fee, prior to 5:00 pm on the 15th calendar day following the date of this Notice of Decision. Any filing of an appeal will suspend this action as well as any processing of permits in reliance thereon in accordance with Encinitas Municipal Code Section 1.12.020(D)(1) until such time as an action is taken on the appeal. **The action of the Development Services Department may not be appealed to the Coastal Commission.**

If you have any questions regarding this determination, please contact Rachael Lindebrekke, Associate Planner, at 760-633-2703 or by email at rlindebrekke@encinitasca.gov or contact the Development Services Department, 505 South Vulcan Avenue, Encinitas, CA 92024 at 760-633-2710 or by email at planning@encinitasca.gov.

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Katie Innes
Planning Manager

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